



STATE REPRESENTATIVE

RICH ZIPPERER

AB503

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AB503- Theft of Services

Case Details

- In October, 2006, Marshall Wolbers of Lake Bluff Illinois obtained \$400 of spa services from Azana Salon and Spa in Brookfield.
- After receiving the services, Wolbers left without paying.
- The Waukesha District Attorney's office declined prosecution, as the items stolen were services, not 'moveable property' as required under the current Wisconsin retail theft statute.
- In March, 2007 Wolbers was arrested in Illinois for similar thefts from Illinois salons.
- Illinois has a 'theft of service' provision in their statutes.
- Wolbers made similar thefts at spas in Milwaukee, Greenfield, Racine, Kenosha and Illinois.

AB503 Details

- Would amend sec.943.50 (Retail Theft) to also include theft of services.
- Would cover any service, benefit or privilege provided by a merchant.
- Penalties (sec.939.50) mirror current penalties for retail theft:
 - **Class A misdemeanor** if value does not exceed \$2,500.
 - Fine not to exceed \$10,000 or imprisonment not to exceed 9 months or both.
 - **Class I felony** if value exceeds \$2,500 but does not exceed \$5,000.
 - Fine not to exceed \$10,000 or imprisonment not to exceed 3 years and 6 months or both.
 - **Class H felony** if value exceeds \$5,000 but does not exceed \$10,000.
 - Fine not to exceed \$10,000 or imprisonment not to exceed 6 years or both.
 - **Class G felony** if value exceeds \$10,000.
 - Fine not to exceed \$25,000 or imprisonment not to exceed 10 years or both.

Supporters of AB503 Include:

- Waukesha District Attorney Brad Schimel
- Brookfield Police Department
- Milwaukee Police Association
- Wisconsin District Attorney's Association
- Wisconsin Manufacturing and Commerce

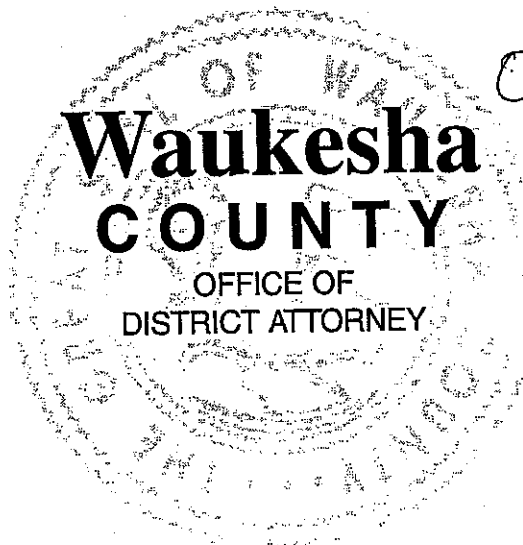
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01-2167
06-24267
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April 02, 2007

Detective Hudock
City of Brookfield Police Department
2100 North Calhoun Road
Brookfield, WI 53005

RE: Referral on Marshall G Wolbers
Incident Report No. 07-2169 and 06-24267

Dear Detective Hudock:

I am declining prosecution in this case. This case involves the defendant on one occasion obtaining a haircut and then leaving the premises without paying for it. On another occasion, he obtained a wax treatment and a massage and also fled the premises without paying. In each instance, he provided the salons with fake information regarding his identity.

As you know, I cannot charge theft because the products that were stolen were not "movable property". You did send this in for a charge of identity theft but I will not proceed with two felony counts for what amounts to be about a total of a \$400 theft. I am also taking into account that the defendant resides in the State of Illinois and would have to be extradited to Wisconsin. I am recommending that you issue municipal citations to this defendant for these incidents. Please discuss with your city prosecutor as to what charges would be appropriate. If your local ordinance for theft also requires proof of movable property, it may be necessary to proceed under a disorderly conduct.

If I can be of any further assistance, please do not hesitate to contact me.

Very truly yours,

SUSAN L. OPPER
Assistant District Attorney
State Bar #1017918

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'Spa bandit' gets his Brazilian, then runs for the hills

By Tracy Majka

(Court TV) — The Wisconsin "spa bandit" has struck again.

A man calling himself "Scott Kendry" booked \$400 worth of spa treatments at the Azana Salon and Spa in Brookfield, and then skipped out on the bill.

The man had eyebrow, back, chest, and underarm waxes, a Brazilian bikini wax, a 75-minute massage, and a body quench treatment, and was scheduled for a manicure and pedicure, according to the spa's owner.

Kendry was "very charming," owner Tami Swaine said. He told the employees at the front desk that he worked at the country club next door, but told other spa employees he was a financier who bailed out failing businesses.

"He was a loud, bolsterous man, very nice and very knowledgeable about the spa," Swaine said.

Surveillance video recorded his four-hour visit.

After the waxes and massage, the man said he needed to run out to his car and get some papers so that he could work during the pedicure. He left and never returned.

"He said, 'You can just tell the pedicurist to run the water.' That's how I knew he had done this before, because it's not a sentence you would typically say," Swain said.

And this apparently wasn't the first time the spa enthusiast had skipped out.

After local news outlets reported the story, Swaine said, employees of other spas called her. The hairless wonder had allegedly visited at least five other spas in the area, using the name "Scott Kendry" or other aliases, got waxes and skipped out on the bill, she said.

"He's a serial waxer, and he's been deemed the 'spa bandit,'" Swaine said.

In particular, she said, "Kendry" seems to enjoy certain types of treatments: "He likes the Brazilian bikini waxes, and when he got his massage here he asked the girls to spend a lot of time on his glutes."

No arrests have been made, according to Capt. Phil Horter of the Brookfield Police Department, and the case is still under investigation.

For Swaine, there is one upside to the story: "If nothing else, now people know we have surveillance."

WISN.com

Spa Workers Say Man Gets Waxed, Massaged, But Doesn't Pay

Related To Story

POSTED: 1:03 pm CDT October 18, 2006

BROOKFIELD, Wis. -- After receiving hundreds of dollar in treatments, a man walked out the door of a Brookfield salon without paying a cent, workers said.

"He pulled a fast one on all of us, and none of us saw it coming," said Alissa Hubertz of Azana Salon and Spa.

The Azana Spa and Salon in Brookfield is the epitome of relaxation -- a place customers go to get away from stress

Unfortunately, for workers at the spa, one man got away a little to fast.

Surveillance video showed the customer who is accused of racking up serious bills and then walking away without paying.

"Definitely gave the impression to everybody here that he was a business man, and he was actually pretty well off. We just never considered that he'd be a scam artist," Hubertz said.

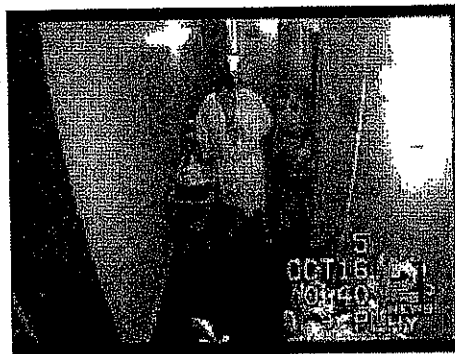
"The man's escape was fairly simple. He told the front desk that he was going to get something from his car, went out the door and never came back," 12 News reporter Brendan Conway said.

Before leaving, the man, who workers guessed is in his mid to upper 40s, got the full spa treatment.

Over the course of four and a half hours, he had his under arms, back, brow and chest waxed, as well as a Brazilian wax, a Body Quench Treatment and a 75-minute massage. It all added up to \$370, and he didn't pay a dime.

"The girls that did these services worked hard and they're doing that to make money, make a living, and I think that's really sad he would attack them personally by doing something like that," Hubertz said.

Workers have filed a police report, but they don't have a lot to go on. The man gave the spa a false name, phone number and address.



Surveillance Video

The one consolation is that the man likely went through serious pain during all of his waxing sessions, Conway reported.

The man changed out of his robe before he went out to his car.

Workers said this has never happened before, but they want other spas to be on the lookout to make sure it doesn't happen to them.

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WISN.com

Man Accused Of Not Paying Bill At Brookfield Spa May Have Hit Others

Related To Story

POSTED: 4:35 pm CDT October 19, 2006

Police are investigating a possible serial spa thief.

WISN 12 News first started investigating the suspect Tuesday when Azana Salon and Spa in Brookfield alerted them that a man they had on surveillance video left out without paying a close to \$400 bill.



Surveillance Video

Since then, 12 News has learned this was not an isolated incident.

In all, seven spa owners in five cities said they have been scammed.

The man gives a fake name and address and claims he works for the White House.

Several police departments are investigating.

Previous Story:

- October 18, 2006: Spa Workers Say Man Gets Waxed, Massaged, But Doesn't Pay

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Today's TMJ 4

Spa Bandit Strikes Again!

Diane Pathieu

MILWAUKEE - The hairless fugitive strikes again! This time he's moved south to the Chicago suburbs.

The man, who goes by the alias Scott Kendry, apparently goes into salons, gets several different treatments, including manicures, pedicures and brazilian waxes, and takes off without paying.

He has done it in at least five places in Wisconsin and four more in the Chicagoland area. Police in Algonquin, Ill., have been investigating him for months.

If you know his whereabouts, or who he is, you are asked to call your local authorities.

Spa Bandit May Be in Custody

Jenn Rourke

LAKE BLUFF, Ill. (AP) - A man accused of failing to pay for pedicures and other spa treatments was arrested after a brief foot chase over the weekend.

Police said 56-year-old Marshall Wolbers of Lake Bluff has been charged with theft of services. He was arrested Saturday near a train station.

Authorities had been searching for a man fitting Wolbers description who has received services from spas in northern Illinois and southern Wisconsin since last March and left without paying.

Police spotted Wolbers driving a vehicle late Thursday. But when they tried to pull him over, he led them on a chase through several suburban Chicago communities.

They called off the chase because Wolbers' was driving recklessly. He was captured Saturday at the Lake Bluff train station.

Wolbers is free on \$20,000 bond.

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Police search for 'Pedicure Pirate'



By Sarah Schulte

January 31, 2007 - Police in the northwest suburbs want to nail a thief who is walking out on his spa treatments. The suspect, known as the Pedicure Pirate, slipped through the fingers of Algonquin police.

Heather Veugeler was a new employee at the Woodhouse Spa in Algonquin when she booked a day's worth of services for a man back in Barch. Veugeler says he showed up on time and filled out an intake form using the name Scott Kendry.

"He got two of the services done and he decided that he needed to make an important phone call. He went ahead and changed back into his normal clothes and then he left the spa and never came back," said Veugeler.

The 'Pedicure Pirate' had a massage and body wrap worth about \$200 before taking off without paying. Police thought it was an isolated incident until the spa thief struck again in Algonquin. A few weeks ago, he was caught on surveillance leaving the Bladez Spa without paying.

Police then learned "Scott Kendry" spent months beautifying himself across the border...

"In between that time he was up in Wisconsin going to several spas. We're aware of six incidents in Wisconsin in the Brookfield suburb of the Milwaukee area," said Det. Andrew Doles, Algonquin Police.

Police also received calls from spas in Arlington Heights and Barrington that may have been ripped off by the Pedicure Pirate. In each case, the man gave the name Scott Kendry and used a false address.

The incident led the Woodhouse Spa to change its practices.

"We obtain credit cards upon people calling in to make the reservation. If they need to leave, they need to pay before they go," said Veugeler.

CBS2 Chicago

Suspect Arrested In Day Spa Thefts

Marshall G. Wolbers Is Accused Of Skipping Out On Day Spa Bills

By David Fitzgerald / Northwest Herald

LAKE BLUFF, Ill. (Northwest Herald) — After previously eluding police during a car chase, the so-called day-spa bandit was nabbed while trying to dodge authorities by running to catch a taxi cab at the Lake Bluff Metra station, police said.

Marshall G. Wolbers, 56, of Lake Bluff, was arrested Saturday and charged with multiple counts of theft of services by the Algonquin and Lake in Hills police for walking out on the bill for expensive spa treatments in McHenry County, Algonquin police said. He is accused of stealing nearly \$1,000 over the past year in body waxings, massages, haircuts, facials, sea salt body scrubs, tangerine body quenches, manicures and pedicures, authorities said.

Detective Andrew Doles of the Algonquin Police Department said multiple tipsters named Wolbers after seeing surveillance video and pictures of him fleeing a Lake in the Hills spa.

"Through the media we received multiple tips on him," Doles said.

Using the assumed name Scott Kendry, Wolbers allegedly hit three salons in Algonquin and Lake in the Hills, where he scheduled multiple treatments, received a few of them, and then made up an excuse to step outside. He then allegedly drove away, leaving the bill and a tip unpaid.

Wolbers also was charged with multiple traffic violations in connection with a police chase Thursday evening.

In that incident, police said Wolbers fled a traffic stop in Lake Bluff and led officers on a chase from Lake Bluff to the Village of North Chicago. Lake Bluff police said that the chase was stopped because Wolbers' reckless driving could have posed a danger to the public.

"The officer basically terminated the pursuit right away," said David Belmonte, deputy chief of the Lake Bluff police. "It wasn't worth the risk at that time."

Wolbers was charged with felony fleeing and eluding authorities, disobeying traffic-control devices and improper lane use in connection with the police chase.

Local police have contacted authorities in southern Wisconsin, where Wolbers allegedly pulled the same wax-and-run routine at various spas and salons.

Wolbers was released from the Lake County Jail Sunday on \$20,000 bond.

If convicted, he could be sentenced to up to one year in jail and a \$1,000 fine for each of the three counts of theft of services out of McHenry County, and up to three years and a \$25,000 maximum fine for eluding authorities in Lake County.

He has a March 7 court date in McHenry County.